



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

THE BANK OF NEW YORK  
MELLON,

Plaintiff,

vs.

MEHRDAD SAIDI, et al.,

Defendants.

Case No. ED CV 12-1892-UA (DUTYx)

ORDER SUMMARILY REMANDING  
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily because defendant removed it improperly.

On October 31, 2012, defendant Mehrdad Saidi, having been sued in what appears to be a routine unlawful detainer action in California Superior Court, lodged a Notice of Removal of that action to this Court, and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, plaintiff could not have brought this action in federal court in the first place, in that defendant does not competently allege facts supplying either

1 diversity or federal question jurisdiction, and therefore removal is improper. 28  
2 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546,  
3 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Here, defendant has asserted both  
4 federal question and diversity jurisdiction as his basis for removal. But as  
5 described in more detail in the Order Denying Defendant's Request to Proceed  
6 Without Prepayment of Filing Fee, because the unlawful detainer action to be  
7 removed does not actually raise the federal claims to which defendant points, and  
8 because the amount in controversy does not exceed \$75,000, there is no basis to  
9 assert either federal question or diversity jurisdiction. *See* 28 U.S.C. §§ 1331,  
10 1332, 1441.

11 Accordingly, IT IS ORDERED that: (1) this matter be REMANDED to the  
12 Superior Court of California, Riverside County, Southwest Justice Center,  
13 30755-D Auld Road, Murrieta, CA 92563, for lack of subject matter jurisdiction  
14 pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this  
15 Order to the state court; and (3) that the Clerk serve copies of this Order on the  
16 parties.

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18  
19 DATED: 11/5/12

  
HONORABLE GEORGE H. KING  
CHIEF UNITED STATES DISTRICT JUDGE